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PACIFIC  TELESIS™
Group - Washington

July 23, 1992

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FEDERAL COMMUNICATIONS COMMISSION
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ORIGINAL
FILE

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

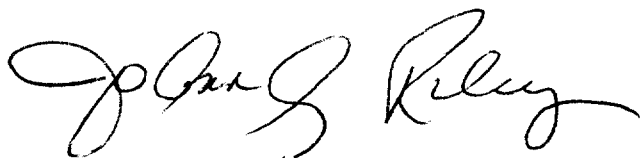
Dear Ms Searcy:

Re: *CC Docket No. 92-117 - Amendment to Section 1.773 of the Commission's Rules
Regarding Pleading Cycle for Petitions Against Tariff Filings Made on 14 Day's Notice*

On behalf of Pacific Bell and Nevada Bell, please find enclosed an original and six copies of their "Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosures

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment to Section 1.773 of the) CC Docket No. 92-117
Commission's Rules Regarding)
Pleading Cycle for Petitions)
Against Tariff Filings Made on)
14 Days' Notice)
_____)

COMMENTS OF PACIFIC BELL AND NEVADA BELL

Pacific Bell and Nevada Bell (the "Pacific Companies") submit the following comments on Notice of Proposed Rulemaking ("NPRM") released in the above-captioned proceeding on June 1, 1992.¹ The NPRM seeks to adjust the pleading cycle for petitions seeking investigation, suspension or rejection of tariff filings made on 14 days' notice. Currently, petitions must be filed and served within seven days of the tariff filing and replies must be served within four days of service of the petition. Intermediate holidays are counted in the seven-day period but not in the four-day period reply.² As a result of

¹ In the Matter of Amendment to Section 1.773 of the Commission's Rules Regarding Pleading Cycle for Petitions Against Tariff Filings Made on 14 Days' Notice, CC Docket No. 92-117. Notice of Proposed Rulemaking, released June 1, 1992 ("NPRM").

² 47 C.F.R. §1.773.

these rules, the pleading cycle may end after the effective date of the tariff, if the petition is served by mail. Consequently, the Commission has no time to consider the arguments against a 14-day tariff filing within the notice period.

The proposed rule would shorten the periods for a petition and a reply by one day and would count intermediate holidays in calculating both filing periods. This change would give the Commission four days to consider the pleadings received after the pleading cycle closes. The Pacific Companies agree that the Commission needs time to consider the pleadings for several days prior to the effective day of the tariff and support the proposed change.

The Commission also proposes that the shortened pleading cycle should be accompanied by a change in the rule for serving the pleadings. The current rule permits service by mail.³ The proposed rule would require personal service.⁴ The Commission seeks comments on whether to permit facsimile service followed by mailing a copy, as an alternative to personal service to parties other than the Commission.⁵

The Pacific Companies strongly support requiring personal service. The shortened time for a reply makes it

³ Id.

⁴ NPRM, para. 6.

⁵ Id.

critical that the common carrier receive the petition at the time it is filed. The Pacific Companies oppose the alternative of facsimile service. Facsimiles are frequently not received for one reason or another and a mailed copy would, in all likelihood, arrive too late for a response.

For the foregoing reasons, the Pacific Companies support the new rule as proposed.

Respectfully submitted,

PACIFIC BELL
NEVADA BELL


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Date: July 23, 1992